



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,813	01/25/2001	Darryl Rubin	03797.81833	1317

28319 7590 05/11/2005

BANNER & WITCOFF LTD.,  
ATTORNEYS FOR MICROSOFT  
1001 G STREET, N.W.  
ELEVENTH STREET  
WASHINGTON, DC 20001-4597

EXAMINER

JACKSON, JAKIEDA R

ART UNIT	PAPER NUMBER
----------	--------------

2655

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/768,813	<b>Applicant(s)</b> RUBIN ET AL.	
	<b>Examiner</b> Jakieda R Jackson	<b>Art Unit</b> 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/15/04, 1/14,2/11</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed September 1, 2004, applicant submitted an amendment filed on December 8, 2004, in which the applicants requested reconsideration with respect to **claims 1-6, 9-36, 39-48, 50-76 and 83-88**.

### ***Response to Arguments***

2. Applicants submitted a declaration under 37 CFR 1.131 to antedate Vertelney and Manbeck. As evidence by the declaration, applicants argue that the invention was conceived and reduced to practice prior to the earliest priority date of Vertelney and Manbeck, August 9, 1999. Applicant's submit that Vertelney and Manbeck do not qualify as prior art to the present invention. Applicant's arguments, see page 22, filed December 8, 2004, with respect to claims 1-6, 9-36, 39-48, 50-76 and 83-88 have been fully considered and are persuasive. The rejection of claims 1-6, 9-36, 39-48, 50-76 and 83-88 has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6 and 9-26** are rejected under 35 U.S.C. 102(b) as being anticipated by Milne et al. (USPN 5,390,138), hereinafter referenced as Milne.

Art Unit: 2655

Regarding **claim 1**, Milne discloses a system for receiving audio input comprising:

a display for displaying electronic information (column 10, line 67 – column 11, line 3);

an audio input receiving audio content (column 10, lines 27-28); and

a processor (figure 1, element 10) for associating said received audio content with said displayed electronic information (column 8, lines 36-39 with column 10, line 67 – column 11, line 3).

Regarding **claim 2**, Milne discloses a system wherein said audio content is in the form of audio clips (clips of audio; column 19, lines 29-31 and lines 46-48).

Regarding **claim 3**, Milne discloses a system wherein said processor further associates at least one property with said audio content and wherein said audio content is randomly accessible based on said at least one property (column 8, lines 36-60 with column 19, lines 66-67).

Regarding **claim 4**, Milne discloses a system further comprising:

a storage for storing said audio content with said at least one property (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67).

Regarding **claim 5**, Milne discloses a system further comprising:

an input receiving a user's input (column 10, lines 27-28),

wherein said processor starts recording audio content from said audio input in response to said user's input (video tape recorders; column 8, lines 53-60 with column 10, lines 25-32).

Regarding **claim 6**, Milne discloses a system wherein said processor includes a voice activated recording system for recording said audio content (column 10, lines 25-32 with a record member function; column 19, lines 53-54).

Regarding **claim 9**, Milne disclose a system wherein said processor controls said display to indicate that audio content is associated with said displayed electronic information.

Regarding **claim 10**, Milne discloses a system for playing audio content, said system comprising:

- a display for displaying electronic information (column 10, line 67 – column 11, line 3);

- a storage for storing audio content (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67), said audio content including properties and beening associated with said displayed electronic information (column 8, lines 36-39 with column 10, line 67 – column 11, line 3);

- an output for outputting at least some of said audio content responsive to navigation of said displayed electronic information (column 10, line 66 – column 11, line 3); and

- a processor for controlling said display, said storage and said output (figure 1, element 10).

Regarding **claim 11**, Milne discloses a system wherein said audio content includes audio clips (clips of audio; column 19, lines 29-31 with lines 46-48).

Art Unit: 2655

Regarding **claim 12**, Milne discloses a system wherein said audio content is randomly addressable based on said properties (column 8, lines 36-60 with column 19, lines 66-67).

Regarding **claim 13**, Milne discloses a system, wherein said storage is a database (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67).

Regarding **claim 14**, Milne discloses a system further comprising:  
an input for receiving a user's input (column 10, lines 27-28),  
wherein said output outputs at least some of said audio content in response to receiving said user's input (column 10, line 66 – column 11, line 3).

Regarding **claim 15**, Milne discloses a system further comprising:  
an input for receiving a user's input (column 10, lines 27-28),  
wherein said processor searches properties of said stored audio content in response to said user's input (video tape recorders; column 8, lines 53-60 with column 10, lines 25-32).

Regarding **claim 16**, Milne discloses a system wherein the output of said processor is sent to said display to display an indication of the search results (column 14, lines 65-68).

Regarding **claim 17**, Milne discloses a system wherein the output of said controller is sent to the output for playing audio content with properties matching the search results (audio data; column 8, lines 47-50 with column 14, lines 65-68 with column 21, lines 35-38).

Regarding **claim 18**, Milne discloses a system wherein said processor retrieves all audio content associated with said electronic information when said electronic information is accessed (media components connected together; column 8, lines 36-60 with column 11, lines 35-36).

Regarding **claim 19**, Milne discloses a system wherein said processor outputs selected audio content to be played through said output when a page of said electronic information is displayed (column 10, line 67 – column 11, line 3).

Regarding **claim 20**, Milne discloses a system wherein said processor automatically plays said selected audio content when said page is displayed (audio component represented graphically on the display; column 10, lines 38-44 with column 10, line 67 – column 11, line 3).

Regarding **claim 21**, Milne discloses a system further comprising:  
a communication link to transmit said audio content (connection linking audio component; column 10, lines 55-56 with column 11, lines 35-36).

Regarding **claim 22**, Milne discloses a system further comprising: a network connected to said communication link for receiving said audio content, said network being accessible by other users (multiple clients to share; column 9, lines 1-4).

Regarding **claim 23**, Milne discloses a system further comprising:  
a receiving device of another user for receiving said audio content, said receiving device receiving said audio content through one of a wired (connecting devices with connecting workstation to network; column 4, lines 24-44) or wireless interface.

Regarding **claim 24**, Milne discloses a system wherein said network further processes said audio content (processing audio components; column 8, lines 36-50).

Regarding **claim 25**, Milne discloses a system wherein said network includes a database for storing said audio content (audio can be stored; column 9, lines 63-65 with column 19, lines 66-67).

Regarding **claim 26**, Milne discloses a system wherein said network receives audio content without receiving said electronic information associated with said audio content (audio and video; column 8, lines 36-60).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 27-29 and 31-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Headley et al. (U.S. Publication No. 2002/0194260), hereinafter referenced as Headley.

Regarding **claim 27**, Headley discloses a user interface for displaying electronic information to a user comprising:



a first display portion for displaying a portion of a document (figure 6, element 602 with column 2, paragraphs 0021-0022 and column 4, paragraph 0047-0051); and

a second display portion for displaying a graphical indication that said document includes an audio annotation associated with said displayed portion of said document (figure 6, element 604 with column 2, paragraph 0021-0022 and column 4, paragraph 0047-0051).

Regarding **claim 28**, Headley discloses a user interface further comprising:

a third display portion for displaying a non-audio annotation (figure 6, element 612).

Regarding **claim 29**, Headley discloses a user interface further comprising:

a third display portion for displaying an indication that said audio annotation is being recorded or played back (figure 6, element 606).

Regarding **claim 31**, Headley discloses a use interface further comprising:

a third display portion for receiving a user input of a property or properties of said audio annotation (figure 6, element 606).

Regarding **claim 32**, Headley discloses a user interface wherein said audio annotation is recordable by said user (user wants to record; column 1, paragraph 0006).

7. **Claims 33-36, 39-48, 50-56, 58, 60, 62-73, 75-76, 83-86** are rejected under 35 U.S.C. 102(e) as being anticipated by Amir et al. (USPN 6,636,238), hereinafter referenced as Amir.

Regarding **claim 33**, Amir discloses a process for recording an audio annotation comprising the steps of:

displaying electronic information (column 5, lines 7-10 with column 6, lines 1-7);

receiving a user input (column 6, lines 1-7 with lines 44-46);

recording an audio annotation in response to said user input (recording; column 4, lines 9-32 with column 5, lines 49-57); and

associating said audio annotation with properties including a displayed portion of said electronic information (audio made contemporaneously with slides; column 5, lines 49-57 and column 6, lines 28-38).

Regarding **claim 34**, Amir discloses a process further comprising the step of:

storing said audio annotation prior to the association of said audio annotation with said displayed portion (column 6, lines 28-38).

Regarding **claim 35**, Amir discloses a process further comprising the step of:

storing said audio annotation after the association of said audio annotation with said displayed portion (column 6, lines 28-38).

Regarding **claim 36**, Amir discloses a process wherein said recording step

records all ambient sounds (audio recording; column 5, lines 52-57).

Regarding **claim 39**, Amir discloses a process further comprising the step of:

associating additional properties with said audio annotation at the start of recording of said audio annotation (time stamp and starting point; column 6, lines 20-27 with column 8, lines 6-24).

Regarding **claim 40**, Amir discloses a process wherein one of said properties is a file position or document position of an item on said displayed portion of said electronic information (position information; column 2, lines 61-65).

Regarding **claim 41**, Amir discloses a process wherein one of said properties is a start identification of said displayed portion of said electronic information (time stamp and starting point; column 6, lines 20-27 with column 8, lines 6-24).

Regarding **claim 42**, Amir discloses a further comprising the steps of:  
storing said audio annotation (annotated in database; column 6, lines 28-38); and  
searching audio annotations including said audio annotation for at least one property matching a query (column 6, lines 39-46).

Regarding **claim 43**, Amir discloses a process for playing audio annotations comprising the steps of:

displaying a portion of electronic information (column 6, lines 1-7);  
receiving a user input (column 5, lines 1-6 with column 6, lines 44-46);  
retrieving audio annotations (annotations; column 5, line 40 and column 4, lines 9-32);

assembling said audio annotations into an audio stream (audio streams; column 4, lines 9-32); and

playing said audio stream (column 10, lines 34-40).

Regarding **claim 44**, Amir discloses a process further comprising the step of:  
waiting for a second user input prior to playing said audio stream (column 6, lines 44-46).

Regarding **claim 45**, Amir discloses a process further comprising the step of:  
playing said audio stream once said audio stream is assembled (audio streams;  
column 4, lines 9-32).

Regarding **claim 46**, Amir discloses a process wherein said user input is a text  
query (inherent in keyboard; column 5, line 1 with lines 49-50).

Regarding **claim 47**, Amir discloses a process wherein said user input is a voice  
query (voice recognition devices; column 5, lines 5-6).

Regarding **claim 48**, Amir discloses a process further comprising the steps of:  
altering the display of said portion to match a currently playing annotation in said  
audio stream (column 6, lines 58-61 with column 12, lines 22-31).

Regarding **claim 50**, Amir discloses a process for playing audio annotations  
comprising the steps of:

navigating to a page (slide presentation; column 6, lines 28-38);  
retrieving at least one audio annotation (annotation) associated with a page or  
associated with an item on a page (column 6, lines 28-35 with lines 58-61 and column  
12, lines 25-28); and

playing said at least one audio annotation (audio stream undertaken; column 6,  
lines 34-38).

Regarding **claim 51**, Amir discloses a process further comprising the step of:

waiting for a user input prior to playing said audio annotation (column 6, lines 43-46).

Regarding **claim 52**, Amir discloses a process wherein said item on said page includes at least one of embedded notes (embedded citations; column 5, line 41), inked notes, highlights or underlining.

Regarding **claim 53**, Amir discloses a process wherein said at least one audio annotation was previously retrieved and said retrieving step includes indexing said previously retrieved at least one audio annotation (indexing the audio streams; column 4, lines 9-32).

Regarding **claim 54**, Amir discloses a process wherein said at least one audio annotation is the result of a newly executed query (column 9, lines 42-47).

Regarding **claim 55**, Amir discloses a computer readable medium having a data structure stored thereon, said data structure comprising;

a document (documents in the database; column 6, lines 39-46);

a link object (column 6, lines 58-61); and

audio content with at least one property (column 6, lines 58-61 with column 7, lines 52-65),

wherein said link object references said document and references said audio content (column 6, lines 55-61 and column 7, lines 52-65).

Regarding **claim 56**, Amir discloses a data structure wherein said property relates to the time said audio content started recording (time stamps and starting point; column 6, lines 20-27).

Regarding **claim 58**, Amir discloses a data structure wherein said property relates to the length of recording of said audio content (time stamps and starting; column 6, lines 20-27 and column 7, lines 10-20 with length of file; column 9, lines 55-57).

Regarding **claim 60**, Amir discloses a data structure wherein said property relates to the start ID (column 8, lines 19-25).

Regarding **claim 62**, Amir discloses a data structure wherein said audio content is comprised of a plurality of audio clips (annotations; column 5, line 40 with column 7, lines 52-60).

Regarding **claim 63**, Amir discloses a data structure wherein said audio clips are stored in a database (column 6, lines 28-38).

Regarding **claim 64**, Amir discloses a data structure wherein said property is one of plurality of properties and said properties are in a marked up language form (HTML; column 9, lines 35-36).

Regarding **claim 65**, Amir discloses a data structure wherein said properties are in XML (XML; column 9, lines 35-36).

Regarding **claim 66**, Amir discloses a data structure wherein said audio content is stored within a document (input directly; column 5, lines 7-16).

Regarding **claim 67**, Amir discloses a data structure wherein said audio content is stored apart from a document (figure 2, element 46).

Regarding **claim 68**, Amir discloses a data structure wherein said audio content is stored in a database with at least one property designating the position of viewed document relating to said audio content (at a position; column 10, lines 4-18).

Regarding **claim 69**, Amir discloses a data structure wherein said audio content is stored in a database and linked to a separate annotation document that stores the position of a viewed document relating to said audio content (column 11, lines 10-15).

Regarding **claim 70**, Amir discloses a process for recording audio content comprising the steps of:

navigating to a page of a document (presenting slides; column 4, lines 9-32 with column 7, lines 60-65);

recording said audio content (recording; column 4, lines 9-32); and

associating properties with said audio content such that retrieval of said audio content positions said audio content after previously recorded audio content (column 7, lines 56-60).

Regarding **claim 71**, Amir discloses a process wherein said audio content comprises audio clips and properties include a time property (time stamps; column 8, lines 6-23).

Regarding **claim 72**, Amir discloses a process wherein said audio content and said previously recorded audio content is ordered at least by said time property (time stamps; column 8, lines 6-23).

Regarding **claim 73**, Amir discloses a process of searching audio clips comprising the steps of:

inputting search terms or properties (column 6, lines 1-7);  
searching said audio clips for said search terms or properties (searching the indices; column 4, lines 9-42); and  
ordering audio clips detected by said searching step for output (column 7, lines 11-20).

Regarding **claim 75**, Amir discloses a process for recording audio information comprising the steps of:

recording audio signals as a first file (recording; column 4, lines 9-42);  
processing said file to extract audio clips (column 7, lines 11-20); and  
storing said audio clips (figure 2, element 43 with column 5, lines 7-10),  
wherein said processing separates the content of said first file into audio clips based on events (ranking procedure; column 12, lines 2-6).

Regarding **claim 76**, Amir discloses a process wherein said audio signals include speech (figure 2, element 48 with column 5, lines 5-6), and wherein said events comprise at least one of short pauses in said speech, a pause of a predetermined length, and a user navigating away from a displayed page (presenting slides; column 4, lines 9-32).

Regarding **claim 83**, Amir discloses a process for playing audio notes comprising the steps of:

displaying a first page of electronic information (slide presentation; column 6, lines 28-38);  
playing audio notes associated with said first page (column 6, lines 28-38);



displaying a second page of electronic information slide presentation; column 6, lines 28-38); and

playing audio notes associated with said second page (column 6, lines 28-38).

Regarding **claim 84**, Amir discloses a process further comprising the step of receiving user input,

wherein, in response to said user input, said second page is displayed (presenting slides; column 4, lines 9-32).

Regarding **claim 85**, Amir discloses a process of recording audio notes comprising the steps of:

displaying a first page of electronic information (slide presentation; column 6, lines 28-38);

recording a first set of audio notes (column 6, lines 28-38);

associating said first set of audio notes with said first page (column 6, lines 28-38);

displaying a second page of electronic information (slide presentation; column 6, lines 28-38);

recording a second set of audio notes (column 6, lines 28-38); and

associating said second set of audio notes with said second page (column 6, lines 28-38).

Regarding **claim 86**, Amir discloses a process further comprising the step of receiving user input (column 5, lines 1-6),

wherein, in response to said user input, said second page is displayed (presenting slides; column 4, lines 9-32).

8. **Claims 77 and 81-82** are rejected under 35 U.S.C. 102(e) as being anticipated by Arons et al. (USPN 6,529,920), hereinafter referenced as Arons.

Regarding **claim 77**, Arons discloses a process for associating audio notes and handwritten notes comprising the steps of:

creating a handwritten note (handwritten notes; column 3, lines 3-9);  
associating a time at which said handwritten note was created with said handwritten note (column 7, lines 38-59 with column 10, lines 16-31);  
creating an audio note (notes; column 7, line 60 – column 8, line 3); and  
associating a time at which said audio note was created with said audio note (column 7, lines 38-59),

wherein, upon selection of said handwritten note (handwritten note), audio notes recorded (audio) at or near the time (while) at which said handwritten note was created are located (column 3, lines 1-9 with column 7, lines 38-48).

Regarding **claim 81**, Arons discloses a process wherein said audio notes are comprised of audio clips in which each audio clip has a time of creation associated with each audio clip (timestamp; column 8, lines 35-44).

Regarding **claim 82**, Arons discloses a process further comprising the step of:  
playing said audio notes (column 15, lines 38-41).

Art Unit: 2655

9. **Claims 87-88** are rejected under 35 U.S.C. 102(e) as being anticipated by Miller et al. (USPN 5,801,685), hereinafter referenced as Miller.

10. Regarding **claim 87**, Miller discloses a process for editing audio notes comprising the steps of:

querying a database for audio information (column 9, lines 49-55);

ordering said audio information into audio notes (column 8, line 31-33); and

performing editing frames on said audio notes (column 8, lines 20-23 with column 9, lines 20-33)

Regarding **claim 88**, Miller discloses a process for editing audio notes wherein said editing comprises at least one of the steps of:

adding audio information (additional clips; column 13, lines 60-64);

deleting audio information; and

overwriting existing audio information.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Milne in view of Hou et al. (U.S. Patent No. 5,838,313), hereinafter referenced as Hou.

Regarding **claim 7**, Milne discloses a system wherein said voice activated recording system, but lacks wherein the system records when said audio content exceeds a predetermined threshold.

Hou discloses a system wherein the system records when said audio content exceeds (is not less than) a predetermined threshold (column 7, lines 63-65), to determine distance between previous and new events.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Milne's invention such that it records when said audio content exceeds a predetermined threshold as in Hou, to have a report which consists of the individual's visual and audio annotations, which can be synchronized for playing back (column 2, lines 30-36).

Art Unit: 2655

13. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Milne in view of Dwyer et al. (U.S. Patent No. 6,571,211), hereinafter referenced as Dwyer.

Regarding **claim 8**, Milne discloses a system for receiving audio input, but lacks wherein said voice activated recording system records when a known user's voice is detected in said audio content.

Dwyer discloses the system wherein said voice activated recording system records when a known user's voice is detected in said audio content (column 7, lines 46-67), so that the users may more readily locate their own voice data files.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Milne's invention such that the recording step records only a specific user's voice, to identify an author of a voice data file, which aids in indexing the voice data files, so that the users may more readily locate their own voice data files (column 7, lines 46-67).

14. **Claim 30** is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir in view of Aihara et al. (USPN 5,644,674), hereinafter referenced as Aihara.

Regarding **claim 30**, Amir discloses a user interface for displaying electronic information, but lacks a third display portion for displaying one of a document tape or a master tape.

Aihara discloses a display portion (figure 4, element 33) for displaying one of a document tape or a master tape (figure 4, elements 34a-34d with column 16, lines 24-33), to view the modified playback picture.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's interface, as taught by Aihara, to allow the user to view the modified playback picture to confirm whether or not the picture has been modified in the desired manner (column 16, lines 24-33).

15. **Claim 37** is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir in view of Hou et al. (U.S. Patent No. 5,838,313), hereinafter referenced as Hou.

Regarding **claim 37**, Amir discloses a system wherein said voice activated recording system, but lacks wherein the system records when said audio content exceeds a predetermined threshold.

Hou discloses a process wherein said recording step records only sounds above a predetermined threshold (is not less than the threshold; column 7, lines 63-65), to determine distance between previous and new events.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's invention such that it records only sounds above a predetermined threshold as in Hou, to have a report which consists of the individual's visual and audio annotations, which can be synchronizes for playing back (column 2, lines 30-36).

Art Unit: 2655

16. **Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir in view of Hou, as applied to claim 37, further in view of Dwyer.

Regarding **claim 38**, Amir in view of Hou discloses a system for receiving audio input, but lacks wherein said recording step records only a specific user's voice.

Dwyer discloses the system wherein said recording step records only a specific user's voice (column 7, lines 46-67), so that the users may more readily locate their own voice data files.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir in combination with Hou's invention such that voice activated recording system records when a known user's voice is detected in said audio content, to identify an author of a voice data file, which aids in indexing the voice data files, so that the users may more readily locate their own voice data files (column 7, lines 46-67).

17. **Claim 49** is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir in view of Pritt (U.S. Patent No. 5,689,717).

Regarding **claim 49**, Amir discloses a process for recording an audio annotation, but lacks including the steps of comparing the length and displaying a portion of electronic information.

Pritt discloses the process including the steps of:

comparing the length (determining the position) of said currently playing annotation with starting identifications of displayable portions of said electronic information (column 4, lines 15-30); and

displaying the portion of said electronic information (display annotations) supporting the greater length of said currently playing annotation (currently displayed; column 4, lines 15-30), for the placement of annotations on a computer display of various sizes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's invention such that it includes the steps of comparing the length and displaying a portion of electronic information as in Pritt, for placement of annotations of various sizes without overlapping currently displayed annotations (column 1, lines 10-15).

18. **Claims 57 and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Amir in view Jain et al. (USPN 6,144,375), hereinafter referenced as Jain.

Regarding **claim 57**, Amir discloses a computer readable medium having a data structure, but lacks said property relating to the time said audio content stopped recording.

Jain discloses a data structure wherein said property relates to the time said audio content stopped recording (column 19, line 54 – column 20, line 11), to create a multi-media database.



Art Unit: 2655

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's medium, as taught by Jain, such that said property relates to the time said audio content stopped recording, to thereby create a database that synchronizes and associates multiple multi-media data types with multi-media events of interest to an end user or client (column 20, lines 4-11).

Regarding **claim 61**, Amir discloses a computer readable medium having a data structure, but lacks a data structure wherein said property relates to the stop ID.

Jain discloses a data structure wherein said property relates to the stop ID (column 19, line 54 – column 20, line 11), to create a multi-media database.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's medium wherein said property relates to the stop ID, as taught by Jain, to thereby create a database that synchronizes and associates multiple multi-media data types with multi-media events of interest to an end user or client (column 20, lines 4-11).

19. **Claim 59** is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir in view Hurtado et al. (USPN 6,418,421), hereinafter referenced as Hurtado.

Regarding **claim 59**, Amir discloses a computer readable medium having a data structure, but lacks wherein said property relates to the author of the recording.

Hurtado discloses a data structure wherein said property relates to the author of the recording (column 42, lines 40-43), to obtain a unique value that is assigned to the entity of creation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's medium, as taught by Hurtado, wherein said property relates to the author of the recording to validate the authenticity and integrity of the contents (column 42, lines 5-43).

20. **Claim 74** is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir in view Kessenich et al. (USPN 6,055,538), hereinafter referenced as Kessenich.

Regarding **claim 74**, Amir discloses a process of searching audio clips, but lacks wherein said inputting step further comprises receiving verbally delimited keywords and converting said verbally delimited keywords into search terms or properties.

Kessenich discloses a process for search large databases comprising:  
receiving verbally delimited keywords (column 15, lines 4-10 and column 20, lines 6-21); and

converting said verbally delimited keywords into search terms or properties (column 23, lines 3-7), for performing a further query.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's process, as taught by Kessenich,

Art Unit: 2655

wherein it receives verbally delimited keywords and converts said verbally delimited keywords into search terms or properties, for locating associated information rapidly (column 20, lines 7-21).

21. **Claim 78-80** are rejected under 35 U.S.C. 103(a) as being unpatentable over Amir in view Miller.

Regarding **claim 78**, Amir discloses a process for associating audio notes and handwritten notes, but lacks locating said audio notes includes the step of querying a database for audio clips.

Miller discloses a process wherein locating said audio notes includes the step of querying a database for audio clips (column 9, lines 49-55 with column 11, lines 14-28), to obtain relevant information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's process, such as taught by Miller, wherein locating said audio notes includes the step of querying a database for audio clips, to locate the clip given a partial description (column 9, lines 49-55)

Regarding **claim 79**, Amir discloses a process for associating audio notes and handwritten notes, but lacks locating said audio notes includes the step of searching a table.

Miller discloses a process wherein locating said audio notes includes the step of searching a table (column 15, lines 29-43 and column 16, lines 11-14), to indicate the location of the clip.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's process, such as taught by Miller, wherein locating said audio notes includes the step of searching a table, to indicate the location of the clip (column 15, lines 29-43), for easy access, which is well know in the art.

Regarding **claim 80**, Amir discloses a process for associating audio notes and handwritten notes, but lacks locating said audio notes includes the step of searching a linked list.

Miller discloses a process wherein locating said audio notes includes the step of searching a linked list (column 9, lines 34-55 with column 11, lines 14-42), to obtain the raw information that resides in the server.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amir's process, such as taught by Miller, wherein locating said audio notes includes the step of searching a linked list, to allow information to be obtained (column 11, lines 14-42), with easy access, which is well known in the art.

**Conclusion**

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ  
May 6, 2005

  
DAVID L. OMETZ  
PRIMARY EXAMINER